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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/392,664	09/09/99	BARTLEY	B A-6599

LEXMARK INTERNATIONAL INC
740 WEST NEW CIRCLE RD NW
LEXINGTON KY 40550

MMR2/0500

EXAMINER

BRAUN, F

ART UNIT

PAPER NUMBER

2852

DATE MAILED:

05/08/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on September 9, 1999

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 - 18 are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-8 and 16 are allowed.

☒ Claim(s) 9-15, 17 and 18 are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Art Unit: 2852

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The title fails to reflect the fact that a method for controlling the temperature of a fuser is also being claimed by applicants.

2. The drawings are objected to because the drawings fail to show the (1) means for storing a temperature, as recited in base claims 9 and 15, for example; (2) the means for setting a ramp pointer, as recited in base claim 15, for example, (3) the means for tracking each target temperature, as recited in base claim 9, for example, and (4) the means for ramping up to a steady state temperature, as recited in claim 15, for example, as required by 37 CFR 1.83(a). Also, it appears that the spelling of "RAMP" in Figure 1 is not correct, and that a step between steps 110 and 120 in Figure 2 has been omitted, as implied by lines 28-35 on page 8 of applicants original specification. Clarification is requested. Correction is required.

3. Claims 9-15, 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims are considered to be insufficiently disclosed because the multiple ramping profiles including a type of media being employed, as recited on lines 3 and 4 of base claim 17, and lines 3-5 of claim 18, respectively, are not disclosed to the extent necessary to enable one having ordinary skill in the art to make or use the same without undue experimentation as

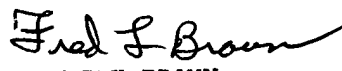
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required by the statutes. In re Donohue, 193 USPQ 136. Claims 9-15 are considered to be insufficiently disclosed because applicants have failed to disclose (1) any means for pointing to target temperatures, as recited on lines 8 and 9 of base claim 9; (2) a means for running the fuser at a steady state temperature, as recited on lines 13-15 of base claim 9 and/or lines 15 and 16 of base claim 15, respectively; and (3) a means for comparing an actual temperature of said fuser, as recited on lines 7 and 8 of base claim 15, as required by the statutes.

4. The patents to Johnson et al and Hirst are cited of interest to further show the use of a ramp up control circuit for a heating device in a printer to be well known in the art.

5. Claims 9-15, 17 and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. Any inquiry concerning this communication should be directed to Fred L. Braun at telephone number (703) 308-0128.


FRED L. BRAUN
PRIMARY EXAMINER
ART UNIT 2852

Braun/ds

04/13/00